

REMARKS

Applicant has fully considered the further Office Action of August 13, 2004. In consideration thereof Applicant has further amended the claims of this application to fully and patentably distinguish the art bases cited in the further rejection. More specifically, Applicant has canceled all of the prior claims and replaced same by a single system claim and a single process claim. Favorable consideration of such claims is requested.

A key point which is now emphasized in the amended claims is that upon the giftor completing his/her part by payment for the gift, the address of the posting person is directly provided by the system to the giftor. No communication, such as permission or instructions from the posting person are required in order for this to be brought about. This is now explicitly recited in the new claims and its significance will be indicated shortly.

The Examiner's rejection of the claims continues to be predicated on the Oshima patent in view of the Ewing published patent application, each reference being of record. The reference to Oshima has already been fully discussed. The Examiner concedes that the reference does not disclose means responsive to the payment completion by notifying the visitor of the mail address of the posted person. The reason for this is that Oshima is directed at a different situation, *i.e.*, one in which the giftor is concerned with sending gifts to a giftee who is well known to the giftor. The giftee is obviously aware of the giftees' address.

The Examiner seeks to overcome the shortcomings of Oshima by a combination with the reference to Ewing, and cites Ewing paragraph 0028 to ostensibly show that Ewing provides a step to notify the giftor of a mail address of the posted person by using the storage unit. From this the Examiner concludes that a combination of the two references would render the Applicant's invention obvious. Applicant again respectfully traverses this conclusion for the reason that the teaching which the Examiner states as present in Ewing is

in fact not present. What is actually stated in paragraph 0028 is that an option might be included in Ewing to send name and address information upon successful completion of the blind gift. But 0028 states that directions are to be sought (from the recipient) in this case. This type of constraint is explicitly disclaimed in applicant's new claims.

The whole idea of the system in Ewing is thus to enable the parties to maintain anonymity for as long as they wish, and the system specifically provides for such anonymity to be maintained until the parties consent to identification. The paragraph cited by the Examiner actually deals with what occurs after the giftor sends a gift to the then anonymous giftee. The system goes back to the giftee and asks for instructions, including such as whether transmission of the giftee's true full name and address is to then be provided to the giftor. This is most assuredly what does not occur in Applicant's invention. Rather in Applicant's invention once the system confirms that the gift has been made the address of the giftee is directly provided to the giftor, so that communication may then be opened as desired by the giftor. Thus it will be clear that there is in fact no basis for combination of the references cited by the Examiner to yield the Applicant's inventive system and method.

Applicant makes no claim to having broadly invented the concept of a bulletin board based internet gifting system. The references indeed show that this is *per se* well-known. However each prior art system relied upon here is designed, intended and structured for a particular environment. In Oshima that environment is the common one of choosing and sending wedding or similar gifts. In Ewing the key feature is the mutual abilities of the giftor and/or giftee to maintain anonymity until and if they wish otherwise. The present invention and claims differ because they are in a different environment, one in which the giftee (a known person) is always willing and ready to be contacted provided only that the giftor demonstrates good faith by the confirmed investment in a gift. The means and method for

accomplishing this are disclosed in the present invention and are not taught or suggested in the cited prior art.

It is submitted in view of the instant amendments and of the foregoing remarks, that all objections to patentability have now been properly overcome; and it is accordingly respectfully requested that favorable reconsideration and an early notice of allowance be provided.

Respectfully submitted,



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